

### **REMARKS**

Claims 1-12, 14-16, 18-29 and 31-33 are pending in the application. Claims 1, 9, 12, 14, 18-29 and 31-33 are amended. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art.

### **CLAIM REJECTIONS—35 U.S.C. § 101**

The Examiner's Answer mailed August 24, 2007 entered a new ground of rejection. The Examiner's Answer rejected Claims 18-29 and 31-33 under 35 U.S.C. § 101. The Applicants respectfully submit that the amendments to Claims 18-29 and 31-33 cure any deficiencies from which Claims 18-29 and 31-33 might have suffered under 35 U.S.C. § 101.

### **CLAIM REJECTIONS—35 U.S.C. § 102**

Claims 1-4, 6, 9, 12, 14-16, 18-21, 23, 26, and 29, and 31-33 were rejected under 35 U.S.C. § 102(e) as being anticipated, allegedly, by U.S. Patent Pub. No. 2003/0120665 A1 ("Fox"). The rejection is traversed for at least the reasons discussed below.

#### *A. Claims 1-4, 6, 9, 18-21, 23, and 26*

According to Claim 1, a schema evolver receives a document that indicates changes that are to be made to a first XML schema. The schema evolver generates a second XML schema based on the first XML schema and the document that indicates the changes.

This is different from what Fox discloses. According to Fox, there is "a transformation generator [alleged "schema evolver"] for **generating a transformation** from the first schema into the second schema" (paragraph [0072], last 4 lines). Fox doesn't generate the second schema

schema based on the first schema and the “transformation.” Instead, Fox generates the “transformation” from the first schema (the “source data schema”) **and** the second schema (the “target data schema”). The “transformation” can’t be generated until the second schema already exists.

Fox describes how this “transformation” is generated with reference to FIG. 1. “At step 120, a source data schema and a target data schema are imported” (paragraph [0104]). “At step 180, a transformation is derived for transforming data conforming with the source data schema into data conforming with the target data schema” (paragraph [0107]). It is clear from this description that the “transformation,” which is “for transforming data that conforms to the source data schema into data that conforms to the target data schema” is “derived” from the source and target data schemas rather than the target data schema being derived from the source data schema and the “transformation.”

One advantage of the method of Claim 1 is that a user does not need to manually change a first schema into a second schema. Instead, for example, the user can generate the document that indicates the changes, and then the schema evolver can use the document to make the changes to the first schema in order to produce the second schema automatically. Because Fox’s approach requires the source and target schemas to exist before the “transformation” (alleged “document”) is derived, Fox’s approach does not confer such an advantage.

For at least the above reasons, Claim 1 is patentable over Fox under 35 U.S.C. § 102(e). By virtue of their dependence from Claim 1, Claims 2-4, 6, 9, 18-21, 23, and 26 inherit the features of Claim 1 that are distinguished from Fox above. Therefore, Claims 2-4, 6, 9, 18-21, 23, and 26 also are patentable over Fox under 35 U.S.C. § 102(e).

*B. Claims 12, 14-16, 29, and 31-33*

As amended, Claim 12 recites “wherein said one or more database object types were generated based on a second XML schema that differs from said first XML schema.” Thus, Claim 12 requires that the “database object types” must have been “generated based on” the “second XML schema.” The cited portions of Fox do not disclose, teach, or suggest this. “Database object types” are types of objects within a database system.

Therefore, Fox fails to disclose, teach, or suggest “wherein said one or more database object types were generated based on a second XML schema that differs from said first XML schema” as recited in Claim 12. For at least the above reasons, Claim 12 is patentable over Fox under 35 U.S.C. § 102(e). By virtue of their dependence from Claim 12, Claims 14-16, 29, and 31-33 inherit the features of Claim 12 that are distinguished from Fox above. Therefore, Claims 14-16, 29, and 31-33 also are patentable over Fox under 35 U.S.C. § 102(e).

CLAIM REJECTIONS—35 U.S.C. § 103

Claims 5, 7, 8, 22, 24, and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable, allegedly, over Fox in view of U.S. Patent No. 6,636,845 B1 (“Chau”).

Claims 10, 11, 27, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable, allegedly, over Fox in view of U.S. Patent App. No. 2002/0007363 A1 (“Vaitzblit”).

The rejections are traversed. The Office Action does not even allege that either Chau or Vaitzblit discloses, teaches, or suggests the features of Claim 1 or Claim 12 that are distinguished from Fox above. Therefore, even if Fox, Chau, and Vaitzblitz were combined, the combination still would not disclose the features of Claim 1 and Claim 12 that Fox alone fails to disclose. By virtue of their dependence from either Claim 1 or Claim 12, Claims 5, 7, 8, 10, 11, 22, 24, 27, and 28 inherit the features of either Claim 1 or Claim 12 that are distinguished from such a

combination. Therefore, Claims 5, 7, 8, 10, 11, 22, 24, 27, and 28 are patentable over Fox, Chau, Vaitzblitz, and any combination of these references, under 35 U.S.C. § 103(a).

## CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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